



have recognized that a prosecutor can abuse his powers and harass a defendant by repetitively filing, dismissing and recharging him with a crime. Id., 434 U.S. at 29 n. The rule is also intended to allow courts to consider public interest, fair administration of criminal justice and preservation of judicial integrity when evaluating motions to dismiss United States v. Gonsalves, 781 F.2d 1319, 1320 (9th Cir.1986).

Having considered the Government's grounds for dismissal, this Court concludes that the grounds articulated by the government establish that the dismissal is not clearly contrary to manifest public interest. U.S. v. Gonzalez, 58 F.3d 459, 463 (9<sup>th</sup> Cir. 1995). Further given the grounds for dismissal, this Court cannot conclude that the government's conduct reflects an abuse of prosecutorial authority or harassment of the defendant.

For the foregoing reasons, IT IS HEREBY ORDERED that the Government's Motion to Dismiss (*Doc. # 18*) is GRANTED.

IT IS FURTHER ORDERED that the Indictment in this case be DISMISSED WITHOUT PREJUDICE.

The Clerk of Court shall notify the parties forthwith of the making of this Order.

DATED this 16<sup>th</sup> day of October, 2007.

  
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Jack D. Shanstrom  
Senior U.S. District Court Judge